App F IX 4

L

Previous References
Re Ref ml 19-39 (93, 100, 134, 135) 1945 ml

File No 22-45
Serial Nos 22-23

Later References
C.M6-32-4, 5

GENERAL AND REVENUE SECRETARIAT

Serial Nos
ove

Part B for Nov 45

SUBJECT

Ct and- of Compensation in respect of
the acquisition of the property of Mr.
Yoonus Sait of Jalore and Binny
mills, Bgle

L 3955-SA & 20 XI. 45.

To
The Secl Govt
Bangalore
thro the President
Comptroller thro' Govt
D.C Bgle
Advocate-Genl

I am to refer to the acquisition
of the properties in question
by.

Ml of 44-45

Letter no L A C 25/37-38 dt 12-7-44 from the Ml Commr. Bcy requesting that a sum of Rs 31,388 may be ordered to be placed at his disposal from out of the State funds to meet the enhanced compensation awarded by the Court in respect of the acquisition of the property of Mr Yoonus Sait, opposite to Binny Mills.

"L" 1) In this office letter no L 399/Ml 19-39-100 dt 7-5-40 Govt directed the Ml Commr, Bcy that the property of Mr Yoonus Sait, opposite to Binny Mills may be acquired at the cost of Govt & disposed of on the best terms that may be got later on etc

"M" 2) In Govt no L 10363-5/Ml 19-39-134 dt 20-6-40 a sum of Rs 47,917 was placed at the disposal of the Ml Commr out of State funds to meet the cost of the acqn charges. When the question was referred to the Court the Dt Judge awarded an enhanced compensation of Rs 26,739 over the sum of Rs 47,917 already paid & also Court Costs & interest

3) The Ml Commr reports that the total amount comes to Rs 31,388 & requests that the amount may be ordered to be placed at his disposal for being deposited into the Court. 4) The Financial Secy will also be consulted

Submitted for orders

332/V

535/44

6) The question as to whether an appeal maybe preferred in this case to the High Court has to be decided - vide last sentence of the M.L enms letter.

7) The Law Secty will be consulted in the matter in the first instance It is stated that it has to be filed before the end of this month

Law Secy for 17/7 ens

SLOT L 11AP PT GOVT OF MYSORE

19/7/44

No Reg no 4/8187/44

17-7-44

8) For favour of opinion

Asst Secy. Law Secty ens for 17/7 ens

9) The plea may be taken by the Advocate General to-day

SECY 1945

Law Secty 3/ 19/7

No GNO dt 6244 Dated 19-7-44

ens 19-7-44

10) The plea is taken note of by the Advocate General to-day

Issue 20 Rs 1/- 4 Rs 25

21-7-44 Order & issue Secy to Govt

H Narasimha Murthy (Secy)

19/7/

No RDV 57/44-45

8/24-7-44

11) I am of the opinion that the enhancement made by the learned Judge is reasonable as well as moderate and I accordingly agree in the view of the learned Government Pleader that there is no just ground for filing an appeal

LO 1401 SEPT SUPDT MYSORE

CSN/21 7 44

Chikkanna Gowda A G 26/7/44

SECY 1420

12) The appeal may therefore stand abated

Law Secty 3/ 25/7/44

ens 24-7-44

Continuation Sheet | File No 332 / Current No | of 332 | Page

C ... LAT
25 JAN 1944
No 526

OFFICE OF T ... A
FOR L S G & P H
Date 27 7 44
No 743

13) No appeal need be filed
Mun Ccs Law
Mun Ccs 259

14) Ptr 26/7

15) 4-4
10 & 4-4
Ar 11-8-44
3 11/8

16) The file will be returned to the L-S Gr. Branch for issuing the necessary reply to the Municipal Comr Bangalore City

Kaul 12/8
L S & Pr

MM 12/8

17) Draft reply pl
12/8

18) Submitted with a draft letter for approval
KMB 12/8

19) Draft reply
12/8

To the Mun Comr, Bangalore
No L1708 dt 16-8-44
States that no appeal need be filed in this case & that separate orders will issue in regard to the provision of funds required for the payment of the enhanced compensation awarded by the Hon'ble Judge Bloor in this case.

20) Such orders are solicited in regard to the provision of funds for the urgent enhanced compensation. It is reported that the total amount comes up to Rs 31,388/-

21) The Financial Secy will be consulted

22) An extra sum of Rs 31388/- has been awarded as compensation by the Distt Judge in this acqn case. It is an inevitable item of payment and has to be met

23) In the year 1940, a sum of Rs 47,917/- was sanctioned towards the acqn of the land property. It was ordered to be finally debited to the head "17. Miscellaneous" although it was ordered to be given as an advance in the first instance

24) Even now, the amount of Rs 31388/- will have to be met from out of the State funds, the same being debited to the head "17 Miscellaneous" An addl grant may have to be asked by placing a demand therefor at the next session of the Legislature. The Financial Secretary may perhaps be consulted

Law Secy) for

25) Para 23 & 24 are

23/8/46

FINANCE 1155

cc 31-8-46 Asst Secy

1155/52

26. Subject the decision of the Hon'ble Minister will be awaited before this question is pursued further, if appd.

SOL
12/10

Pl see me
for
14/10

(2) This may be sent to the Pl Secretary as per orders at para 25 of Pl. Secretary) for
14.10.52

(3) payment may be made as proposed the Pl Commr may be asked to report the result of the sale of sites

Ley
20/10
Cus
25.10.52
for

SECY LAW DEPT GOVT OF MYSORE

Pl keep up
for
31/10/52

From the Municipal Commr Bangalore city
L A C 25/37-38 dated 25-6-52
Stating that the High Court have decreed the payment of a sum of Rs 46,043-14-7 by the city Municipal Council as compensation for the acquisition of properties of the Yoorms Saltpetre situated opposite to Benny Mills, Bangalore and requesting that the amount may be placed

re his disposal

These proceedings relate to the acquisition of door no 4, Wellington Nilk Road (Puttanna Chetty Road) III Division, Bangalore city and the payment of compensation

The property in question belonged to the late Seth Hajee Ismail Sait. The land in question was acquired by the Bangalore city Municipality in the year 1938 for clearing the slums and to keep the space open.

The Municipal Commissioner and the Land Acquisition officer, awarded a sum of Rs 47916-10-8 including the statutory allowance of 15% as compensation

There was a dispute regarding the quantum of compensation awarded. The question went up before the Court. The amount of compensation as awarded by the Courts is noted below -

Dist judges Court — Rs 79305-0-0

High Court — 93,960-14-7 (excludes the fees for the Advocate-General and fees of Rs 499-12-0 to the Govt pleaders)

31) As the properties in question were ordered to be acquired at the cost of Govt and disposed of on the best terms that might be got later on, the Govt have to meet the entire cost of acquisition

In the year 1940, a sum of Rs 47,917,

was placed at the disposal of the Municipal Commr Bangalore city from the State Funds, to meet the cost of acquisition charges, debiting the same to the head "17 Miscellaneous"

In order to satisfy the decree of the High Court (R A-9/44-45), an additional sum of Rs 46043 14-7- has to be placed at the disposal of the Municipal Commissioner Bangalore city. This is exclusive of the fees payable to ~~the Advocate~~ the Advocate General, and the Govt. Pleader, for conducting the case

1) The Financial Department may perhaps be consulted

The Municipal Comr has asked for a copy 16/7 of the High Court judgement, and the connected records, in order to enable him to prepare the bill of remuneration and other charges payable by Govt in this case, to the Decree Holder

1) There is another report received from the Collector of Kolar which is put up

16/7 27) A draft letter to the Advocate General may be put up, requesting him to send a copy of the judgment of the High Court in this case along with the connected records

for
17/7

35) Submitted with a draft letter

21/7. 36) Sanctioned

for
28/7 Secy

1319/45 26/790/818/L

File No

Continuation Sheet | Current No | of | Page

" The Advocate General
To ~~The Municipal Comm~~, Bloemfontein
563 D 25-7-45
L-A ~~26/39-30 d 25-6-45~~

Requests him to forward a copy of the Hich Court judgement to the Mun Comm

Copy to Municipal Comm

From the Advocate General
No 79 d 26-7-45

Refers a copy of this letter D 26-7-45 addressed to the Municipal Comm Bloem, sending the connected file to him

40) the Law section (protection Branch) has to be requested to ~~se~~ send the Hich Court judgement copy to the Municipal Comm Bloem City.

41) The copy of the judgment requested for maybe must made available

Law sec (WT Reg) from 1/8/45

Submitted

42) The copy of judgment received from the Advocate General in the Remuneration case has been forwarded to the Municipal Commissioner, Bloemfontein with No P 790 dated 2/8/45 for further action in the matter and he may be addressed in the matter

~~Secretary to Administrator~~
WT Berry
Secy

7/8/45

~~Secretary to Administrator~~
WT Berry
Secy
14/8/45

Mr Greyvenstein Local
Secy
15/8/45

11035 26/5

Acquisition of properties of Mr Yamunadas

43) Further report from the Municipal Comm Bangalore city will be awaited

44) Yes file the 5th September 1945 may be reminded for 24/8/45

Sve Ad 27/8

From the Municipal Comm Bangalore city

L-A-c 25/37-38, d 21-8-45

Fds a draft Bill for Rs 4 39/5-13-0 being the amount payable by the Decree Holder in L-A Misc 16/41-42 and R A No 9/44-45 (including the remuneration payable to the Government Pleader and the Advocate-General) and requests that the amount may be placed at his disposal to enable him to deposit the amount in the Court

45) In accordance with letter No M T 3119/44-45, dated 18-6-45, from the Additional Dist Judge Bangalore, to the address of the Municipal Comm Bangalore city a Sum of Rs 4 60 43-14-7 being the amount of Compensation, is payable to the Decree Holder in accordance with the Decree of the High Court. But in the present letter, the Municipal

J 17 33

Commissioner has sent up a bill for Rs 43915-12
which includes remuneration to the Advocate-
General and the Govt pleader also

47) A draft letter calling for verified information is
put up for orders

48) There is variation between the
two sets of figures yet is not
large it requires to be reconciled

49) Draft letter for approval
submitted 29/8/45

ADDITIONAL SECRETARY
No 1274
Date 30/8
GOVERNMENT OF MYSORE

50) Issued
30/8

The Municipal Town
Ch 64
L 6640 D 3-9-45
calls for further returns

From the Municipal Comm Ch 64
L.Ac 25/37-38 of 12-9-45
Requests that the judgement copies may
returned to him

Sus BJ

51) Submitted with a draft returning the judgement
and Decree copies of the High Court and the
Dist Court

52) Immediate

TYPING SECTION
17 SEP 1945
GEN & REV

The MI Com
L 2205 D 14-9-45
calls for return

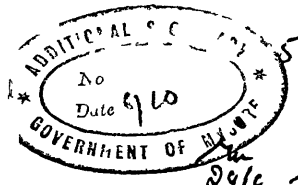
17/9 hrs

Sus A

2243, 26/4

From the Municipal Town Clerk
L.A.C. 25/37-38 D 24-4-45

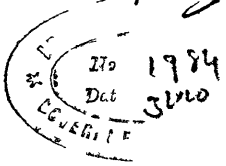
States that the exact amount to be paid by the Municipality to the Party, in accordance with the Decree of the High Court, may be ascertained from the Advocate General



53) The Advocate General will be Consulted re

29/9 3/10

Addl Secy) DPS Jones 3/X/45



Memo H.O. No. 35

54) Forwarded with compliments to the Advocate-General for favour of

Fwd 227 US 46 Opinion of the 10th

3/10/45

By order
J Weinmuller
for Addl Secretary

Memo No 21/US-46 dt 6 10th 45

The correct amount due to the Decree-holder up to the date of the Execution Petition, viz, 14-5-1945, a copy of which is in the file is as below (omitting ~~xxxxxxxxxxx~~ pies) -

1	Decree amount -	Rs 26,739-4-0	
2	Interest -	6,357-14-0	
3	Nett costs of the Lower Court -	207-11-0	
4	Interest -	15- 0-0	
5	Extra awarded by High Court -	8,913- 2-0	
		(Not allowed)	
6	Interest -	976-15-0	
7	Costs -	0-12-0	
8	Execution Petition -	195- 8-0	
9	Lawyer's fee -		
	Total -	43,406-2-0	

C L Gouda A.G. 4/10/45

6/10/45

56) In accordance with the opinion of the Advocate General (vide para 55 supra) a sum of Rs 43,406-2-0, is payable to the Decree Holder In accordance with letter No L A C 25/3738 dated 24-9-45, from the Municipal Council a sum of Rs 497-12-0, towards the fees of the Govt pleader and Rs 500-0-0, towards the fees of the Advocate General have to be added to the above amount flag 'N'

57) In all a sum of Rs 44,403-14-0, has to be placed at the disposal of the Municipal Council, to settle all the claims connected with the case

58) There is no provision for the purpose in the current years Budget An additional grant to this extent has to be applied for

59) The Financial Department has to be consulted

Add (fees)

Mun Sol 11/10 12/10 60) Financial Fees for favour of advice

4012 Govt Pleader 2537 17 Bangalore

61) An add grant has to be applied for

Mun 12/10/46 Govt 20/10/46 Govt 17/10

2263/C

The additional grant in question has to be charged to 24 Civil Works or 17 Miscellaneous, after ascertaining from the Municipal Commr as to how the property in question which was acquired at the cost of Government was disposed of. This work be done before placing a supplementary demand before the Legislative Council

JM 21/10

(63) The total amount to be paid to the decree holder as calculated by the Advocate General is Rs 43406-2-0. The Municipal Commr has agreed to contribute an amount of Rs 497-12-0 to be paid to the Government + Rs 500 to the Advocate General. In all an amount of Rs 44403-14-0 will be required to settle the amount in this behalf.

43406 2-0
497-12-0
500-0-0
44403-14-0

(64) The Comptroller may be requested to place the entire amount at the disposal of the Municipal Commr as an advance to be adjusted against an additional grant to be voted by the Legislature. A demand may be placed before the L.C. at its next session.

A

(65) The additional grant to be framed is a non-recurring appropriation and hence this will be a schedule case.

ADDITIONAL SECRETARY No 2239 Dt 21/10 GOVERNMENT OF MYSORE

(66) As suggested above the Comptroller may be written to to place the amount at the disposal of the Municipal Commr to avoid further delay in the payment of the Award & then take action to have this as a schedule matter.

(Add Secy)

21/10

67) The proposal at A & B may be approved. After orders are passed & action taken to place the amount at the disposal of the Minister Comm[n], the file may be circulated. This would avoid delay.

Minister for Ed[n] 4/11/45

(Council Case)

68) [illegible] 27/X/45

&

Dewan. [illegible] 6/11/45

OFFICE OF THE ... FOR EDUCATION ...
Date 28 10 45
No 2477

DEWAN'S OFFICE
6 NOV 1945
NO 2520

... Date 8 11 45 No 2686

69) [illegible] 7/11/45

[illegible] 8/11/45

[illegible] 8/11/45

70) Draft [illegible]

[illegible] 8/11/45

71) Submit with a draft [illegible]

72) [illegible] 12/11

[illegible] 12/11

73) Hfnl com no 1745
Dft & fair subd
(Fnl Secretary has signed)
Vide para 61 [illegible]

[illegible] 18/11/45

[illegible] 22/11/45

TYPING SECTION
13 NOV 1945
CON & REV

3951/2263

To The Municipal Commissioner Bombay
" The Controller
" Dc Bandra

Sanctioning acquisition of property at a Cost of Rs 92-320-8-8

P.S.

From the Municipal Commissioner Bombay
L Dc 25 / D 28-11-45

Fds a copy of his letter 28-11-45 addressed to Controller requesting him to place a (2nm) p. Rs 44 403-11-0 at his disposal from Funds deposited in the Court, for information

75) Submitted for perusal. Further report will be awaited

28/12 76) This is a Current case. The file will be sent to C A for necessary action - Paras 67 to 69 Supra

Rev Secy

The file may kindly be sent back with a circulation note (in duplicate)

13/12/45 L S Y Rao

Pers 17/12

TYPING SECTION 17 DEC 1945 GEN & RFV SECTT

C. A.)
Circulation Note sent with

Chief Secy)

11/12/45
12/12
18/12/45

14/12

e 489

Subject Acquisition of properties of Mr James Sait, Bangalore city

Circulation

WO 18/12/45

6/1/46 - 19 XII '45 - Minister for Revenue Mr

3000 - 20 12-45 - Minister for Agriculture 24/12

3658 Minister for Law 3/1/46

4742 3/1 Minister for P W D 3/1/46

Rev Secy copies.

WO 4/1/46

Dows 5/1/46

D F N please

5/1/46

Subject with a D F N for appt

Rev Secy) 8/1/46

WO 7/1/46

Minister for Edn (P H)

Dows 9/1/46

Two F N copies are kept below

Dewan) Dows 23/1/46

km 22/1/46

DEWAN'S OFFICE
23 JAN 1946
4353

Date 10/1/46
No 4079

NOTE FOR COUNCIL

Subject - Acquisition of properties of Mr Yoonus Sait, situated opposite to the Binny Mills, Bangalore City

In July 1939, sanction was accorded to the acquisition of the property of Mr Yoonus Sait, in front of the Binny Mills, Bangalore City, at a cost of - Rs 33,500, with the direction that the properties might be disposed of on the best terms, lateron

The above property was acquired by the Bangalore City Municipal Council in the year 1938 for clearing the slums and to keep the space open

The Municipal Commissioner and the Land acquisition Officer awarded a sum of Rs 47,916-10-8 (including the statutory allowance of 15%) as compensation

There was a dispute regarding the quantum of compensation awarded The question went up before the District Judge's Court, Bangalore and the High Court

In the District Court the amount of compensation was fixed at Rs 79,305-0-0 In Government Order No L 10363-5/Ml 19-39-154 dated 20th June 1940, a sum of Rs 47,917 was placed at the disposal of the Municipal Commissioner, Bangalore City, from the State Funds, to meet the cost of

the

the acquisition charges as enhanced by the ~~Government~~ Court

In the High Court, the amount of compensation was enhanced, and the Municipal Commissioner, Bangalore City, accordingly requested that an additional sum of Rs. 44,403-14-0 be placed at his disposal for being deposited in satisfaction of the High Court Decree In view of the urgency, orders were issued to the Comptroller authorising him to place the above amount at the disposal of the Municipal Commissioner

A demand for the additional grant to this extent will be placed before the Legislative Council at its next sessions.

The Dewan and the Minister for Education and Public Health have approved the proposal

---

17/12/

Final Note by the Minister for Education and Public Health

Subject— Grant of compensation in respect of the acquisition of the property of Mr Yoonus Sait, opposite to Binny Mills, Bangalore City

With a view to clearing the slums and keeping the space open in the Woollen Mill Road, opposite to the Binny Mills, Bangalore City, it was directed in Government Order No L 9399/M1 19-39-40 dated 7th May 1940, that the property of Mr Yoonus Sait opposite to the said mills be acquired at the cost of Government and disposed of on the best terms later on

Action was accordingly taken to acquire the above properties The Municipal Commissioner who was the Land Acquisition Officer awarded a sum of Rs 47,916-10-8 (including the statutory allowance of 15%) as compensation for the said properties There was a dispute regarding the quantum of compensation awarded The question went up in appeal before the District Judge, Bangalore, and the High Court

In the District Court, the amount of compensation was fixed at Rs 79,305-0-0 and accordingly an additional sum of Rs 47,917/- was placed at the disposal of the Municipal Commissioner, Bangalore City, to meet the cost of the acquisition charges as enhanced by the Court

In the High Court, the amount of compensation was further enhanced In view of the urgency, orders have been issued authorising the Comptroller to place an additional grant of Rs 44,403-14-0, at the disposal of the Municipal Commissioner, Bangalore City, for being deposited in the Court in satisfaction of the High Court decree A demand for the additional grant to this extent, will be placed before the Legislative Council, at its next sessions

arab 67 - 8b81 ynots

The Dewan and the other Ministers in Council are agreeable to the proposal and I solicit His Highness' gracious sanction to the same

J. Thirugnanam

Bangalore,
Dated 12th January 1946

Minister for Education and Public Health

Submitted to His Highness

71) I submit herewith a Final Note by the Minister for Education and Public Health on the grant of compensation in respect of the acquisition of the property of Mr Yoonus Sait, opposite to Binny Mills, Bangalore City, for the gracious sanction of His Highness

Bangalore,
23rd January 1946

MINISTER FOR REVENUE
in charge of the current duties of the Dewan

Record of Cases submitted for the Orders of
His Highness the Maharaja

Subject

Grant of compensation in respect of the acquisition of the property of Mr Yoonus Sait opposite to Binny Mills, Bangalore City

567

Order

93) 25/1/'46

B 30/1 7/1/46

General and Revenue Secretariat

C 489

5-353/2/1

SUBJECT —

Grant of compensation in respect of the acquisition of the property of Mr Yoonus Sait opposite to Binny Mills, Bangalore City

Circulated to Council of Ministers for perusal of His Highness orders before/after issue of orders

B Nagendra Rao 30/1

Chief Secretary to Government

Through the Secretary to Government

Revenue Department 31/1/46

7798/5/2/46 Minister for Revenue 5/2/46

4417/7/2/46 Minister for Agriculture 11/2

4604/2/2/46 Minister for Education and Public Health 2/2/46

4591 Minister for Law 4/2/46

5665/4/2/46 Minister for Public Works 4/2/46

Rev Secy 13/2

NOTE —Contn sheet

WD 0555—GPB—500—28 9 45

13/2/46

65-3-37

From the Municipal Comr Batalagoda

L-AC 25/37-38 dated 15-3-46

Requests that an additional sum of Rs 2537-12-7 may be placed at his disposal for payment of enhanced compensation in connection with properties of the Yoonus Saibo to satisfy the Decree of the Dist Court, Batalagoda

1) Said reference is invited to para 55 of the Notes Submitted by the Advocate-General's Dept intimating that a sum of Rs 43,606-20 is due to the Decree-Holder upto the date of the Execution petition - i.e 14-3-45

99) The further views of the Advocate General will be obtained & submitted on the above proposal

100) The amount of Rs 43,606/07 may be sanctioned in accordance with the opinion furnished by the Advocate General in para 55 of the Notes thereon

101) The M.L.C. may please intimate that action as above

The 29/3

6552

Sum of Rs 2637/12/- has been
claimed by the District Judge, Nuwara
for being deposited in the Court for
payment to the claimant in the case
who is not known and the office
has accrued

102) The Advocate-General will therefore be
consulted immediately again in the matter

Perera
28/3/46

Bond

103) for Secretary

Municipal Comm^r say how this
increase is accounted for?

Sd

£10 247 30/3/46 Secy 683/46 MB 30/3/46
104) Forwarded with Secretary's compliments to the
Advocate-General in reply to his minute
of the 30th instant in the matter of the
difference in the amount to be deposited in the Court
according to the decree occurred in this case
(The enclosure is returned herewith)

Sd
Nuwara 51 of 4/4/46
By 4.4.46.

Reference is invited to the corrections made by my predecessor in his own hand in the copy of the Execution application which is flagged 'A' in my office The corrections account for the difference

Sd
Advocate-General
4/4/1946

H Sd 5/4 Assistant

6 5 57
— 2

1) Submit with a draft reply

Mr 8/4 2) I propose to bring up the recent bequest to this account for being deposited in the Court of St as an item of irrevocable payment accepted by the Court's decree.

3) The Comptroller has already placed this amount at the disposal of the Municipal Treasurer. The draft reply may be approved.

Mr 9/4

Revised 11/4/46

Issue 12/4/46

TIM SECTION
12 APR 1946
GEN & REV SECTN

To Municipal Secretary
L 11242 of 16-4-46
Yours accordingly

Action taken by Municipal Secretary

B Pereira
Mr 9-39 (93, 100 / 34, 137)

URC 25/37-38

ALORE CITY MUNICIPALITY

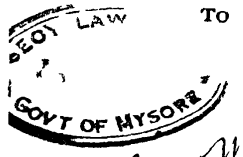
No Judgment & decree copy one draft bill one letter copy

MUNICIPAL OFFICES

Bangalore 12th July 1944

FROM

Mr K P SURYANARAYANA SETTI, ESQ, B A LL B
MUNICIPAL COMMISSIONER
Bangalore City



To

C Narayanaswamy Naidu, Esq, B A, B L,
Legal Remembrancer and
Secretary to Government,
Law Department,
Bangalore

13-7

SIR

Subject - Acquisition of property of Mr Yoomul Sait, Opposite to Binny Mills, Bangalore

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With reference to Government Order No L 9599/41 19-39-100 dated 7th May 1940, the above property was acquired at the cost of Government and the award amount of Rs 47,917/- was deposited in the District Judge's Court, Bangalore, under Sections 19 and 31 of the Land Acquisition Act in this office No L A C 25/37-38 dated 11-8-1941

As per copies of judgment and decree enclosed herewith, the District Judge, Bangalore has passed orders for the payment of enhanced compensation amounting to Rs 26,739-4-0 (excluding the award amount of Rs 47,917/- already paid) and also court cost and interest in L Mis No 16/41-42 Accordingly a draft bill has been prepared and enclosed herein for reference

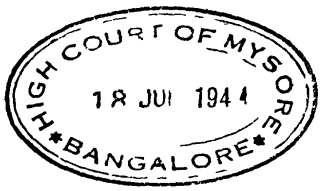
Hence I request that orders of Government may kindly be obtained in this behalf and early arrangements made for placing the sum of Rs 31,388/- at my disposal to deposit the same in the District Judge's Court

The Government Pleader has opined that this is not a fit case for appeal in his letter No G P 7 dated 2-7-1944 (copy enclosed) If the Government so desire to prefer an appeal in this case, the same has to be filed before the end of this month

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

mlt



IN THE HIGH COURT OF MYSORE AT BANGALORE

R.A 9 44-45-

Appellants.- Messrs. V Subrahmanyam, M A ,B L.,
and A. Bhujanga Rao, B A ,B L.,
Joint Receivers to the Estate of late Hajee
Sir Ismail Sait, Andhra Insurance Buildings,
337, Thambu Chetty Street, Madras

(Claimants in Mis.16 of 1941-42 Addl.Dist Court,Bangalore

Respondent - The Commissioner and the Land
Acquisition officer, City Municipality,
Bangalore.

Under Section 96 of the Code of Civil Procedure Read with Section 54 of the Land Acquisition Act, the appellants beg to present this memorandum of appeal against the order of the Additional District Judge, Bangalore in Mis 16 of 41-42 on his file dated 28-3-44, and pray that for the grounds stated below among - others, this Honourable Court may be pleased to enhance the compensation awarded by the Learned Additional District Judge by the amount as stated below.

Grounds of Appeal

The address of the appellants for service etc is as stated above or of their Advocate Mr C N Narasinga Rao, No 115, Chickpet, Bangalore City.

1 The learned District Judge ought to have held on the evidence that the annual rental value of Rs 2500/- fixed by the Municipal authorities was on taking into consideration only the rent from occupied portions of the Built area and that large unoccupied portions were not taken into consideration.

2 The learned District Judge should have given

compensation on an annual rental basis of at 1 Rs.3000/- as regards the whole of the building built area.

3. The learned District Judge has not properly appreciated the evidence C W 8 Mr A Bhujanga Rao, C W.3 Mr Abdul Hameed Sait, C W 6 Mr M V Veerappa and Mr Chinnaswamy Mudaliar and has not considered Ex E_1

4 The lower Court failed to note that C W 6 and Mr.Chinnaswamy Mudaliar were competent by their equipment and experience to assess the value of the property and their evidence had not been shaken

5 The lower Court failed to note that C W 8 had given evidence that he had satisfied himself about the correctness of the valuation claimed by late Mr Yoonus Sait

6 The learned District Judge was wrong in law and fact in his view that the land under acquisition was less advantageous for merchants than the Railway Goods shed yard and that a long distance had to be traversed to reach the acquired land when only a wall separated it from the Railway Goods shed Yard

7. The lower Court erred in holding that the rents realised in the Goods shed yard at 8 annas per month per 100 sq ft for open land was no criterion for assessing the value of the acquired land The lower Court ought to have held that the acquired land was even more advantageous to merchants for purposes for which they had hired plots in the Railways Goods shed yard and awarded compensation on the basis of at the the rent realisations in the goods shed yard which is contiguous to the acquired land

8 The learned District Judge erred in holding that buildings, residential Bunglows and houses were at any great distance from the acquired area and this view is opposed to the evidence of Land Acquisition officer himself and the clear evidence in the case

9 The learned District Judge erred in illegally disallowing evidence for the claimants that the acquired land was untimately to be enclosed for the goods shed yard itself

10 The lower Court ought to have held that the Land Acquisition Officer's failure to take the potentialities of the acquired property into consideration, in fixing compensation as admitted by him was, unjustified and illegal.

11 The lower Court should have awarded compensation of at least Rs 10/- a Sq Yard for the open area and ought to have held that the evidence in this respect for the claimants stood unchallenged.

12 The lower Court has not given any weight to the situation of the acquired property It is located in one of the most popular, important and business localities of the City

13 The lower Court failed to note that the respondent had led no evidence at all on the value of the open area and the grant of compensation at Rs.3/- per Sq yard in the face of the unchallenged evidence for the claimants and in the circumstances in not sustainable

14 The lower Court failed to note that the Municipal Engineer was not called by the respondent

Consequently Ex V cannot be admitted in evidence and in any event evidence can have no probative value as its author has not been tendered for cross-examination.

15 The lower Court failed to note that it was common ground that there were no sales at all of property in or around the acquired land

16 The lower Court should have awarded interest on the compensation fixed by the Land Acquisition Officer from 24-6-41 in any event up to the date on which the amount was drawn from the Court and the reasons assigned for the refusal are not correct

17 The order of the lower Court as regards costs is not correct in law Advocate's fee of Rs 670/ instead of Rs 617- 8- 0 should have been allowed for the appellants and Rs 500/- and not Rs 1000/- ~~should~~ should have been fixed as advocate's fee for the respondent.

18 The lower Court has not given due weight to the fact that there were no sales in the locality as admitted by the land Acquisition Officer and ought to have relied for assessing compensation on the acquired land being in close proximity to the Railway goods shed yard

19 The order of the lower Court is against law and weight of evidence and the reasons given in ~~XX~~ support of it are not sustainable

20. Wherefore the appellant prays that this Honourable Court may be please to enhance the compensation by Rs 84950/- as follows -

1 For the built area on an annual rental basis of Rs 3000/- a year .		Rs 50000/-
2 For the unbuilt open space at Rs 10/- per Sq yard for 7750 9/9 Sq yards		77505/-
Total		127505/-
Deduct amount awarded in lower Court and Land Acquisition Officer, excluding statutory allowance		64918/-
		12587
Interest at 6% on Rs 47916-10- 8 from 24-6-1941 the date on which the amount was drawn from Court		975/-
Interest at the excess amount Rs.62587/- mentioned above from 24-6-1941 at 6% unto 15-7-1944		11380/-
		14342
Statutory allowance at 15% on the amount now claimed in excess viz Rs 62587/-	9390/-	
Interest at 6% on the such allowance of Rs 9390/- from 24-6-41 unto 15-7-44	618/-	
		84950/-

together with costs and current interest from the date of this appeal

for purposes of court fee

The value of this appeal is Rs 74942- 0- 0 excluding the statutory allowance on the excess amount claimed and interest thereon and a court fee of Rs 1625- 0- 0 is paid

Coy
Cmkla
18/7/44

L A C. 25/37-38
L Mis 16/41-42

City Municipal Offices,
Bangalore, 12th July 1944

DRAFT BILL

Being the amount of enhanced compensation, interest, court cost and the interest on court cost in L Mis No 16/41-42 (Messrs Subramanyam and others Vs The Land Acquisition Officer, Bangalore) on the file and decree of the District Judge, Bangalore

Excess amount payable by the respondent (Land Acquisition Officer) to the Claimant towards enhanced compensation		25,739	4	0	
Interest at 6% per annum on Rs 26,739-4-0 from 24-6-1941 upto 24-7-1944 (3 years & one month)		4,946	11	0	
	Total	31,685	15	0	
Court cost payable by the Claimant to the Respondent		1,001	2	0	
Interest at 6% on Rs 1,001-2-0 from the date of court order i e , 28-3-1944 to 24-7-1944		19	5	4	
	Total	1,020	7	4	
Deduct court cost payable by the Respondent to the Claimant		708	13	0	
Interest at 6% on Rs 708-13-0 from the date of court order i ee, - 28-3-1944 to 24-7-1944		13	11	2	
	Total	722	8	2	
Difference in court cost and interest payable by the Claimant to the respondent 1,020-7-4 - 722-8-2 = Rs Rs 297-15-2		297	15	2	
Net amount to be deposited in the Court		31,387	15	10	OR
		31,388	0	0	

Rupees Thirty one thousand three hundred and eighty-eight only

Municipal Commissioner

mlt

Letter No G P 7 dated 2nd June 1944 from the Government Pleader, Bangalore City, to the Municipal Commissioner, Bangalore City

---

Re L A Mis No 16/41-42, District Court Subramanyam and others -Vs- Land Acquisition Officer, Bangalore

---

I have the honour to forward herewith a copy of the Order dated 28-3-1944 in the above case You will see from it that the compensation has been ehhanced by Rs 23,251/8/0 plus the statutory allowance I however think that in the light of the evidence adduced in the case and the location of the land and the large area of open land concerned and the use to which it ~~awarded xxxxxxxxxxxxxxxxxxxxxxxxxx~~ might have been put, the compensation awarded is not so excessive as to justify the preferring of an appeal The basis on which the Land Acquisition Officer has given the award viz , on the rental value of the premises which occupy a very small portion of the entire land may not be supportable At the most it can be said that there is some room for arguments that there is no much evidence to fix the value at Rs 3/- per square yard But I feel doubtful whether any appellate court will reduce the amount in the absence of evidence contraty, to less than Rs 3/- I think the matter is not a fit case for appeal The claimant's claim was as much as Rs 1,89,172-8-0 and the amount now awarded is about Rs 28,000/- including the statutory allowance Please arrange to deposit the excess amount into court to avoid the running interest on the amount

The entire records are returned herewith, the receipt of which kindly acknowledge

---

p t o

P S As the time for appeal is very short the matter may be treated as very urgent if there is any adea of preferring an appeal I have already written to you before that it is not a fit case for appeal

--"Copy"

Municipal Commissioner

mlt

Appendix F G —1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No L 1708 & 16/8

To

General and Revenue Secretariat

( )

the *194*

The Land Commr, Bdlg

Sir,

Date of issue 16/8/44

With reference to your letter No L-A C 28/37-38 & 12th July 1944 re the acqn of the properties of Mr Yoonus & situated opposite to the Mills, Bangalore, Dam to state that no appeal need be filed in this case.

Signed by [illegible]

List of enclosures

Copied by

Examined by

P 776 1/44

Letter no L A C 25/37-38 (Mis 16/41-42), dated 30 8 '44, stating that the claimants in Misc Case no 16 of 41-42 on the file of the Addl Dt Judge Bangalore, have preferred an appeal to the High Court in R A no 9 of 44-45 on the file of the High Court and requesting that the Adv General may be instructed to appear in the Appeal on behalf of the Respondent (Municipal Commissioner)

Submitted for perusal. As reference is made to the letter from the L S & Br branch, the file will be sent to that Branch for favour of putting up the connected file immediately.

for L S & Br for compliance)
2/9/44

Noted. The connected file has been called for from the Rl Secy's office on 31-8-44 vide Diary no 332/L in reg and to the amount of enhanced compensation payable to the Party from out of the State funds. The file since obtained from the L & Rl Branch as per instructions of the Asstt Secy; L & Rl is handed herewith

Please allow
6/9/44

Asstt Secy. Land Rec
WRC)

P 1761/44

R A no 9/44-45, High Court of Mysore

The Municipal Commissioner, Bangalore, reports that the Claimants have appealed to the High Court in R A no 9 of 44-45 on the file of the High Court and requests that the Advocate General may be instructed to appear for the Respondent in the Appeal

Draft proceedings put up for approval

The draft may be approved

Law Secretary 7/9/44

JR 6/7/44

7/9

date of hearing 11 9 44

Cir 7-9-44

JR 7/9

(Law 6/44/23)

P 1504-05, dated 8.9.44, issued to the Mun Commissioner and the Adv General.

Sus A

~~Records sent~~ To the L S G Branch for Kindly taking back the Index file and returning this file

JR 11/10/44

L S G Branch

11/10

11 10

The Indexed file is retained

Law section)

14/10

1761/p 44 4

BANGALORE CITY MUNICIPALITY

No L A C 25/37-38
Mis 16/41-42
Encl one file containing papers
one large cover notice
one appeal application copy

MUNICIPAL OFFICES

Bangalore 30th Aug 1944

Law 6 of 44
1

FROM

P SURYANARAYANA SETTI, ESQ., B A, LL B
MUNICIPAL COMMISSIONER
Bangalore City

TO

C Narayanaswamy Naidu, Esq., B A, B L,
Legal Remembrancer and
Secretary to Government,
Law Department,
Bangalore

SIR

Subject - Acquisition of properties of Mr Yoonus Sait situated opposite to Binny Mills, Bangalore City

---

With reference to your letter No L 1708 dated 16-8-1944 intimating that no appeal need be filed against the order of the District Judge, Bangalore in the above case, etc, I have the honour to state that the appellant Messrs S V Subramanyam and other on behalf of Yoonus Sait have filed an appeal in the High Court of Mysore, Bangalore for enhancement of compensation in R A No 9/44-45 and a notice has been issued posting the case for hearing on 11-9-1944 A duplicate notice and a copy of appeal petition filed are herein enclosed for kind reference

I request that necessary instructions may kindly be issued to the Advocate General for appearing in this case in the High Court The connected file accompany

I have the honour to be,
Sir,
Your most obedient servant,

P. Suryanarayana Setti
Municipal Commissioner

mlt

BANGALORE,

Dated 23rd August 1945

From

THE REGISTRAR,
High Court of Mysore, Bangalore

To

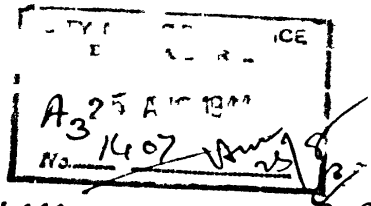
~~THE DISTRICT JUDGE.~~ The Municipal Commissioner
City Municipality Bangalore

1 Encl (s)

SIR,

I have the honor to forward herewith for service, notices in duplicate in RA No 9 of 1944-45, on the file of this Court, and to request that you will be so good as to cause the duplicate to be served on the ~~person named therein~~ ~~def~~ and the original returned to this Court with due endorsement of service thereon

379/P



I have the honor to be,
Sir,
Your most obedient servant,

Deputy Registrar

SR No 26

H.C.P. -CPI -2 000-10 8 45

Hg 1-9-06

WD 02701—GPB—6 400—11 6 36

Notice to respondent of the day fixed for the hearing of the appeal

(O 41 r 14)
Form No 65 (Civil)
Copy enclosed

IN THE COURT OF High Mysore AT Bangalore

SUIT No RA 9/06-07 OF 193 —193

The Commissioner and DA officer
Ag Municipal Bangalore

M/s V Subramanyam and anr Appellant } Vs { Respondent

Appeal from the order of the Court of the Addl Dist Judge Blre dated the 28th day of March 06 in OS 16/01-02

To Respondent
the Addl Dist Judge Blre

Take notice that an appeal from the decree of in this case has been presented by the appellant and registered in this Court and that the 11th day of Sept 1906 has been fixed by this Court for the hearing of this appeal

If no appearance is made on your behalf, by yourself, your pleader, or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence

Given under my hand and the seal of the Court, this 23rd day of August 1906

NR Krishnaswami
Judge

a stay of execution has been ordered intimation should be given of the fact of his

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 8-9-'44 19

Signed by Mr K P P

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette Kannada Part?

Section Law

File No 6/44

Serial No 2

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Letter no L A C 25-/37-38 Mis 16/41-42, dated 30 8 '44, from the Municipal Commissioner Bangalore City Municipality, requesting that the Advocate General may be instructed to appear for the Respondent ~~Order thereon. No~~ in R A no 9 of 44-45 on the file of the High Court of Mysore

Order no P 1504-05

Dated Bangalore 8 9-44

The Advocate General is requested to

appear for the Respondent in the above Appeal and to take necessary action in accordance with the rules relating to the Conduct of legal affairs of Government

CWG
7/4
for Secretary to Govt,
Law Dept

To

1) The Municipal Commissioner, Bangalore City Municipality
2) The Advocate General Mysore, Bangalore with the Connected records of the Case
(Case file returned from the Municipal Commissioner)

List of Enclosures

Copied by
Examined by

WD 03696—GPB—30 000 2 2 40

BANGALORE CITY MUNICIPALITY

No L A C 25/37-38
Encl L.A.Lis 16/41-42 / One
R A No 9/44-45

MUNICIPAL OFFICES

Bangalore 25th June 1945

FROM

K SUBBA RAO ESQ BA,
MUNICIPAL COMMISSIONER
BANGALORE CITY

REVENUE & REV SECRETARIAT. 26 3 JULY 1945 L.S.G. BRANCH.

To

C Narayanaswamy Naidu, Esq , B A , B L ,
Legal Remembrancer and Secretary to the
Government of Mysore, Law Department,
Bangalore.

SIR,

Subject Acquisition of properties of Mr Yoonus Sait situated opposite to Binny Mills, Bangalore.

In forwarding herewith a copy of letter No M T 3119/44-45 dated 8-6-1945 received from the Additional District Judge Bangalore on the above subject, I have the honour to state that a reference was made to you in the matter in this office letter No L A C 25/37-38 dated 12-7-1944 requesting that a sum of Rs 31,388/- be placed at the disposal of this office for being deposited in court as per decree in L A Lis No 16/41-42 on the file of the District Judge, Bangalore In the meanwhile the claimant preferred an appeal to the High Court in R A No 9/44-45 against the decree of the District Court As requested in this office letter No L A C 25/37-38 dated 30-8-1944, the Government directed the Advocate General to conduct this case in the High Court in their order No P 1504-05/Law 6-44-2 dated 8-9-1944

2 From the copy of the letter of the Additional District Judge referred to above, it appears that the compensation has been further enhanced by the High Court but a copy of the High Court Judgment and the connected file have not been received in this office so far In addition to the enhanced compensation as per High Court decree, the fees

fees of the Advocate General for having conducted this case in the said Court plus the fees of the Government Pleader (Rs 497-12-0) in L A Mis 16/41-42 on the file of the District Judge, Bangalore as per his bill dated 30-8-1944 and other charges, if any, as per High Court order will have to be paid in this case

3. Under the circumstances, I request that arrangements may kindly be made to place the total required amount at my disposal for meeting all items of expenditure relating to this case or in the alternative, a copy of the High Court Judgment and the connected file may kindly be caused to be obtained from the Advocate General and sent to this office so that a bill may be prepared and for arded to Government to accord sanction with the requisite funds

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Letter No M T 3119/44-45 dated 18th June 1945 from the Addl District Judge, Bangalore to the Municipal Commissioner, Bangalore City

---

I have the honour to intimate that the decree-holders in Land Acquisition Mis Case No 16/41-42 on the file of this Court (H A 9/44-45 on the file of the High Court) have sued out execution against you in Exn Case No 155/44-45 on the file of this Court for a sum of Rs 46043-14-7- being the amount of compensation due to them and to request that the same may be arranged to be deposited in this court in the above Execution case before 25-6-45 to which date it is posted

---

(Copy)

Municipal Commissioner

Filed on
21 5 45

In The court of The District Judge, Bangalore
ಕೋರ್ಟಿಗೆ.

ಸಿ ಪ್ರೊ—ಕೋರ್ಡ್ ಆ 21 ರೂ 11

1944—1945 ನೇ ಇಸವಿ ಅಮಲ್ ದಾರಿ ನಂಬರು
ದಿಕ್ಕ್ದಾರ Messrs V Subramanyam & A Bhujangarao
ಒಡ್ಡ್ಮನೆಂಟ್ ದೆಪೆರ್ಮಿಂದ ಮೊಲಗೂ ಒದಮಾಡಿಕೊಳ್ಳಲು
ಇವರಲಿ ತಕರೀರು ಕಂಡ ಮೇರಗೆ ಬರಮಿಕ್ಕೊಂಡ ಅಮಲ್ದಾರಿ ಆರ್ಡ್

ಮೊಖ್ತಮೆ ನಂ	L mis No 16 of 41-42	
ಅರ್ಜಿದಾರರು ಹೆಸರು	(1) Mr V Subramanyam (2) Rao Bhujanga Rao Joint Receivers Hajee Sir Ismail Sets Estate 337 Thambu Chetty Street- Madras	
ಸ್ವೀಕರಿಸಿದವರು (ಎದುರುದಾರರು)	The Commissioner and Land Registration Officer City Municipality, Bangalore	
ಅಸಲು ದಿಕ್ಕ್ ಸಾಲ	28. 3 1944	ಅಸಲು ದಿಕ್ಕ್ ತೀರಿಸಿದ್ದು 25 1 1945
ಅಪೀಲಾಗಿದೆಯೊ ?	Appealed in R A 90 of 44-45 and award modified and enhanced.	
ಅಪೀಲಿನಲ್ಲಿ ಕಮೂಧಾನ ವಾಗಿದೆಯೊ ?	NO	
ಹಿಂದೆ ಜಾರೀಕ್ರಮ ನಡದಿದೆಯೇ? ಏನು ಫರಿಕಾರ್ಡ್	NO.	Ex 155 44-45

ಬರಬಕ್ಕ ಮೊಲಗಿನ ಕಪ್ಪೀಲ್

		ರೂ	ಆ	ಪೈ	
from 28	ದಿಕ್ಕ್ ಮೊಬಲಗು awarded in Lower court	26739	4	0	(1)
	ಇದರ ಬಡ್ಡಿ @ 6% from 24-6-41 up to date	6357	14	0	(2)
	ನೆ ಹುದ್ದಾಂ ವಾಗಾಯಿತು Lower court costs	708	13	0	(3)
	3/4 ಪಾಲಿನ ಮುದ್ದಾಂ ಖರ್ಚಿನ ಕಡ ಒಂಕೆ ಬಡ್ಡಿ	52	0	0	(4)
	ಕೋರ್ಟ್ ಖರ್ಚು amount awarded in High Court	8913	2	2	(5)
	ಇದರ ಬಡ್ಡಿ from 24-6-41 up to date	2093	1	3	not allowed by H C
	ಸಾಲಿನ ಖರ್ಚಿನ ಬಾಬ್ತು Cost awarded in High Ct	976	15	2	(6)
	ಹಾರಿ ಅಮಲ್ದಾರಿ ಖರ್ಚ --	0	12	0	(7)
	ಕಾಪಿ ಲಾಗೊ ಹು --	-	-		
	ಲಾಯರ್ ಫೀ ಬಾ --	202	1	0	(8)
(2)	as modified by the order of this Court				
(3)(4)	Interest on the amts. (7 of 11 - 3 of 4) = 15-0 1945-8	ಜುಮ್ಲಾ --	46043	14	7
(6)	Court fee	ವಸೂಲು --	0	0	0
		ಆಂತು ಬಾಕಿ	46043	14	0

ಯಾರ ಮೇಲೆ ಜಾರಿ ಆಗಬೇಕು	Against the 7 defendants
ಕೋರ್ಟ್-ನವರ ಕೈಫಿಯತ್ತು	The D-Holder prays for the recovery of the above amount and further costs and current interest from the 7 debtors (L A Office)

Copy

ADVOCATE FOR DECREE HOLDER

ಪೂರ್ತಾವಧಿಯ—ಇದನ್ನ ಬರೆದಿಟ್ಟವರೆಲ್ಲಾ ಸಹಿಮಾಡ್ಬೇಕಲೂ ಮತ್ತು ತಮ್ಮಹೆಸರುಗಳನ್ನೂ ಸಹಿ ಸಹಿತವಾಗಿ ಕೇಳ ಕೈಬರಹ ಕೇಳ ಕೈಬಿಡಿ.

ತಾರೀಖ 14/5/1945.

ಕೈಲಿ ಕಲೀತ ಕೈಬರಹ, ಬಿ.ಸಿ.ಬಿ.

ಸಹಿ

ದಿಕ್ಕ್ದಾರ

P 576/45

LEGAL & REV. DEPT. 790/1 28 JUL 1945 L.S.G. BRANCH

GRS III—3]

Routine Notes.

[To be used only for notes requisitions etc not intended for permanent record.]

Letter No L A C 25/37/38 dated 10/7/45 from the Municipal Commissioner, Bangalore City stating that in the circumstances stated by him in his letter of even number dated 25-6-45, the amount of remuneration sanctioned to the Advocate General in R A No 9/44-45 on the file of the High Court, has to be borne by the Govt

The previous reference referred to by the Municipal Commissioner as being dealt with in the L S G Branch The question now under consideration is about making additional allotment for meeting the remuneration of the Advocate General already sanctioned There is nothing more to be done in the Law section and the matter will have to be dealt with in the L S G Branch for necessary action

NB —Should routine notes be written on small slips, the notes must be copied on lipspasted the form.

25/7/45 — 3/7/45

G R S III—3]

Routine Notes.

[To be used only for notes requisitions c not intended for permanent record]

N B —Should routine notes be written on small slips the notes must be copied or pasted on this form.

54

516/45

BANGALORE CITY MUNICIPALITY

No L.A.C.25/37-38
R A No 9/44-45
Encl

MUNICIPAL OFFICES
Bangalore 10th July 1945

FROM

K SUBBA RAO Esq, B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

PROTECTION BRANCH G R S No D

L S S

To

STUDY LAW 12 JULY 1945 GOVT OF MYSORE

C Narayanaswamy Naidu, Esq , B A , B L ,
Legal Rememberancer and Secretary to the
Government of Mysore, Law Department,
Bangalore

P. & P.

SIR,

Subject - Payment of remuneration fees to the Advocate General, Bangalore in R A No 9/44-45 on the file of the High Court (V Subramanyam and anotner joint receivers to the estate of the late Sir Hajee Ismail Sait Vs The Land Acquisition Officer and Municipal Commissioner, Bangalore City)

---oOo---

With reference to Government Order No P 8336-8/ Law 3-44-51 dated 30th June 1945 sanctioning remuneration fees of Rs 500/- to the Advocate General in R A No 9/44-45 and requesting me to point out to the Comptroller the source from which the above expenditure is to be met, I have the honour to invite reference to this office letter No L A C 25 of 38-38 dated 25-6-1945, in the matter In the circumstances stated therein, the amount referred to above will have also to be borne by Government

I have the honour to be,
Sir,
Your most obedient servant,

K Subba Rao

Municipal Commissioner.

July

L. 1563

25/7/45

The Advocate-General in Mysore, Bihar

25th July 1945. ES
12.8.1945

Acquisition of properties of Mr Yunus Saib Sahukar of Whole-t° Binny Mills, Bangalore for S.V. Railway extension purposes

I am directed to forward herewith a copy of letter No M.J. 3119/44-45, dated 18-6-45 from the Addl Dist-Judge, Bihar, addressed to the Collector Bangalore city, on the above subject, and to request you to be so good as to arrange to forward a copy of

the Judgement of the Munsif Court in the above case (to the Municipal Court Bangalore City along with the connected records) to enable him to take further action in the matter

A report in this letter may be sent to the Court at the earliest with answer

for Addl Secy

No L-564
Copy sent to the Municipal Court Bangalore City for information with reference to his letter No K A[illegible] 25/37-38 dt 25-6-45

25/7/45

for Addl Secy

No 2 563

25 July 1945.

Additional

The Advocate General in Mysore,
Bangalore.

Sir,

Acquisition of properties of Mr. Yunus Sait situated opposite to Binny Mills, Bangalore and grant of enhanced compensation

I am directed to forward herewith a copy of letter No M.P. 3119/44-45 dated 26th June 1945 from the Additional District Judge, Bangalore, addressed to the Municipal Commissioner, -- Bangalore City, on the above subject, and to request you to be so good as to arrange to forward a copy of the Judgment of the High Court in the above case along with the connected records, to the Municipal Commissioner, Bangalore City, to enable him to take further further action in the matter

A report of action taken may be kindly submitted to -- Government within a week

I have the honour to be,
Sir,
Your most obedient servant,

Sd J B Mallaradhya
Additional Secretary to Government

Memo No

Dated, Bangalore, July 1945

p t o

Copy of the foregoing is forwarded with compliments to the Municipal Commissioner, Bangalore City for information with reference to his letter No L A C 25/37-38 dated 25th June 1945

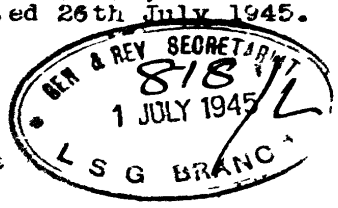
By Order,

for Additional Secretary to Govt

"Spare Copy"

No. 73 Income File

Office of the Advocate-General
in Mysore,
Bangalore, dated 26th July 1945.



From

The Advocate-General
in Mysore, Bangalore

To

The Municipal Commissioner,
Bangalore City

Subject - R. A No 9/44-45 on the file of the High Court of Mysore, (V Subrahmanyam and another, Joint Receivers to the Estate of the late Sir M Ibn Ismail Sait, vs The Addl Comrl and Land Acquisition Officer, Bangalore City.)

Sir,

As desired by the Additional Secretary to Government in his letter No L 563 dated 25-7-1945 I have the honor to forward herewith the entire file of records relating to the above matter received from Government with their Order No L. 1504-05/Law.6-44-2 dated 8-8-1944 and to request that the receipt of the same may be kindly acknowledged. The copy of the High Court judgment which was received from the Registrar of the said Court was sent to the Secretary to Government, Law Department, with this office letter No 402 dated 8-2-1945 and the same may be kindly obtained from him

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- C Lakshmana Gouda,
Advocate-General

H.

PTO

Memo No 80 Dated Bangalore, 26th July 1945

Copy of the foregoing is forwarded, with compliments to the Addl Secretary to Government, for information, with reference to his letter No L 563 dated 25-7-1945

Lakshmana Gowda
Advocate-General

H

BANGALORE CITY MUNICIPALITY

No L A C 25/37-38

Encl A draft Bill and the Copy of High Court Judgement

MUNICIPAL OFFICES,

Bangalore, 21st Aug. 1945

FROM

K SUBBA RAO ESQ BA
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

J B Mallaradhya, Esq L A,
Additional Secretary to the Government
of Mysore, Bangalore

Sir

Sub - Payment of enhanced compensation Court cost, interest, remuneration fees etc , in L A Mis No 16/41-42 on the file of the Additional District Judge, Bangalore and in R A No 9/44-45 on the file of the High Court of Mysore Bangalore (V Subramanyam and anotner joint receivers to the estate of late Haji Ismail Sait (Mr Yunoos Sait) Vs Land Acquisition Officer and the Municipal Commissioner

---

With reference to this office letter No L A C 25/37-38 dated 12-7-1944 and even No L A C 27/37-8/L A Mis 16/41-42/R A 9/44-45 dated 25-6-1945 on the above subject, I have the honour to send herewith a draft bill for the amount to be paid to the decree holder and the Counsels in both the cases

2 I request that arrangements may kindly be made to place the entire required amount at my disposal early for meeting all items of expenditure relating to the said two cases

3 The copy of High Court Judgment is herewith enclosed for favour of reference and return alongwith the copy of District Court Judgment sent to Government on 12-7-1944 This bill cancells the draft bill for Rs 31,388/- already sent in this office letter No L A C 25/37-38 dated 12-7-1944

4 In this connection I may state further that the interest payable to the Decree Holder in L A Mis. 16/41-42 as per orders of the Additional District Judge, Bangalore, has been calculated from 24-6-1941 up to end of 30-8-1945 on the enhanced compensation of Rs 26,739-4-0 to avoid further execution proceedings in this case So I request that arrangements may kindly be made to

made to obtain sanction of Government for the required amount and sent the same to this office early to enable me to deposit the amount in Court by the end of this month

I have the honour to be,
Sir,
Your most obedient servant,

hsr/-

Municipal Commissioner

LAC 25/37-38
LA Mis 16/41-42
R A 9/44-45

City Municipal Offices,
Bangalore, Dated 21st Aug 1945

Draft Bill

Being the amount of enhanced compensation, interest, court costs, remuneration fees etc., payable to the Decree Holders in L A Mis No 16/41-42 on the file of the Additional District Judge, Bangalore and InR A No 9/44-45 on the file of the High Court of Mysore, Bangalore (V Subramanyam and another joint receivers to the estate of late Hajee Ismail Sait Vs Land Acquisition Officer and the Municipal Commissioner, Bangalore City Municipality)

I Amount to be paid as per decree of the Additional District Judge, Bangalore in L A Mis 16/41-42	
Excess amount payable by the Respondent (Land Acquisition Officer) to the claimants towards enhanced compensation as per decree of the Additional District Judge, Bangalore	26,739-4-0
Interest at 6% per annum for Rs 26,739-4-0 from 24-6-1941 to end of August 1945 (4 years 1 month and 8 days)	6,586-10-9
	33,325-14-9
Deduct the difference of Court cost and interest payable to by the claimant to the Respondent as per memo of cost ordered by the Additional District Judge	297-15-2
Net amount to be paid as to the decree holder as per decree in L A Mis 16/41-42 on the file of the Additional District Judge, Bangalore	33,027-15--7 or 33,028-0-0
Government Pleader's remuneration fee in L A Mis 16/41-42 as per bill dated 30-8-1944	497-12-0
	33,525-12-0
II Amount to be paid as per decree of the High Court in Mysore, Bangalore in R A No 9/44-45	
Further enhanced compensation payable to the appellants by the Respondent in R A No 9/44-45 onthe file of the High Court	8,913-2-0
Amount of Court costs payable to the Appellants by the Respondent in R A No 9/44-45 as per orders ofthe High Court	976-15-0
Remuneration fees to the Advocate General in R A No 9/44-45 sanctioned to him as per G O No P 8336-8-Law 3-44-51 dated 30-6-1945	500--0-0
Total amount payable to the Decree Holders in L A Mis 16/41-42 and in R A No 9/44-45 including remuneration fees payable to the Government Pleader and to the Advocate General	Rs 43,915-13-0

(Rs forty three thousand nine hundred and fifteen and annas thirteen only)

Municipal Commissioner
Bangalore City Municipality

No L-1640 Immediate

3/9/45

The Municipal Commissioner
Bombay
(C/34 Navy)

Sir,

With reference to the Correspondence ending with your letter No A/Ac 25/37-38 D 21-6-45, requesting that a grant of Rs 43,915-13-0, be placed at your disposal, in satisfaction of the Hill Depot Camp in R-A No 9/44-45, which includes the remuneration payable to the Govt Pleader & Advocate General, I am directed to invite reference to your letter No M T 3119/44-45 D 16-6-45, from the Addl. Dist-

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Hon'ble
Judge, to Your address wherein
it is stated that a sum of
Rs 46043-14-7, has to be
deposited by you in the Court-
as compensation amount payable
to the Decree Holder
I am therefore to request to
kindly reconcile the discrepancy
in the above figures
and furnish also the verifica-
tion, the exact amount to be
placed at Your disposal towards
full satisfaction of the High
Court decree further incidental expenses
in the above case
An immediate reply is
requested

BANGALORE CITY MUNICIPALITY

No LA C 25/37-38

Encl

MUNICIPAL OFFICES,

Bangalore 12th Sep. 1945

FROM

K SUBBA RAO Esq, B A

MUNICIPAL COMMISSIONER

BANGALORE CITY

1733

To

J B Pallaradhya, Esq , I A ,
Additional Secretary to the Government
of Mysore, Bangalore

SIR,

Sub Payment of enhanced compensation, Court cost, interest, remuneration fees etc , in L A Mis No 16/41-42 on the file of the Additional District Judge, Bangalore and in R A No 9/44-45 on the file of the High Court of Mysore, Bangalore (V Subramanyam and another joint receivers to the estate of late Haji Ismail Sait (Mr Yunuf Sait) Vs Land Acquisition Officer and the Municipal Commissioner)

--

With reference to your letter No L 1640 dated 3rd September 1945, on the above subject, requesting me to intimate the exact amount to be placed at my disposal etc I have the honour to state that a draft bill for Rs 43,915-13-0 was prepared and sent to Government as per the decree of the District Judge, Bangalore in L A Mis 16/41-42 and of the judgment of the High Court in R A No 9/44-45

The Additional District Judge, Bangalore has stated in his letter No M T 3119/44-45 dated 18th June 1945 that the Decree holders have taken out the execution for a sum of Rs 46,043-14-7 and he has requested that the said amount may be deposited in Court It is not understood how the decree holders have claimed a sum of Rs 46,043-14-7

As copies of the judgment of the District Court and of the High Court have been sent to Government for reference with this office even number dated 12-7-1944 and 23-8-45, respectively, they may kindly be arranged to be sent to this office for verification of the amount to be deposited in Court

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

File 22-1-C--

No. 2205 Dtd 29/9/41
To CMR

The Municipal Commr
Bcity

Sir,

As desired in para 3 of Your letter No d. A c 25-37-38, d 12-9-41, I am directed to return herewith copies of the judgment of the High Court and the Dist. Court, regarding payment of enhanced compensation in connection the Corporation acquisition

of the properties of the
Zoomus Salt.

The information called for
in this office letter No L 1640
dated 3-9-45, may be furnished
at an early date
the judgment copies may also be
kindly returned
with your report

17/9/45

RL22-45-22

BANGALORE CITY MUNICIPALITY

GEN & REV SECRETARIAT 2265 28 SEP 1945

No LAC 25/37-38

Encl Execution petition, Copy of order and cut memo letter, Copies of the judgement of the High Court and of the District Court (Six original)

MUNICIPAL OFFICES

Bangalore 24th Sept 1945.

FROM

K SUBBA RAO ESQ B A

MUNICIPAL COMMISSIONER

BANGALORE CITY

To

J B Mallaradhya, Esq , M A ,
Additional Secretary to Government,
BANGALORE

ADDITIONAL SECRETARY No 25/7 Date GOVERNMENT OF MYSORE

Subject - Payment of enhanced compensation, court cost, etc in L A Mis No 16/41-42 on the file of the Additional District Court and in R A. No 9/44-45 on the file of the High Court, in connection with the acquisition of the properties of Mr Yoonus Sait

---

With reference to your letter No L 2205 dated 19th September 1945, on the above subject, I have the honour to forward herewith, in original, the execution petition No Ex 155/44-45 filed by the Decree Holders for Rs.46,043-14-0 received from the Additional District Judge, Bangalore, with his letter No M T 357/45-46 dated 12/13th September 1945 (copy enclosed) with a request to deposit the said amount in the Court, for payment to the Decree Holders

On verification with the execution petition, it is observed that the Decree Holders have preferred their claim for an interest of Rs.2,093-1-3 on the enhanced compensation of Rs.8,913-2-0 awarded by the High Court and another sum of Rs 202-1-0 towards pleader's fee which have not been included in the bill for Rs 43,915-13-0 prepared in this Office No direction has been given in the High Court judgement regarding the payment of interest on the enhanced compensation awarded by the High Court The Pleader's fee has been included in Rs 976-15-2 allowed towards Court cost, as per details given, in the decree of the High Court (Vide page 8 of the judgment)

Further, the party has claimed Rs 708-13-0 towards court cost in the lower court and also interest of Rs 52/- thereon, whereas only Rs 297-15-2 is included in the bill prepared in this Office as directed in the last para of the judgment of the Additional District Judge's Court

Interest payable by the claimant to the Respondent	1,001	2	0
Cost payable by the respondent to the claimant	+ 708	13	0
Balance	292	5	0 +
PLUS INTEREST UP TO END OF AUG 45.)			

The remuneration of Rs.497-12-0 payable to the Government Pleader and also Rs 500/- payable to the Advocate General have also been included in the bill prepared in this Office It is not known whether the entire amount claimed by the party has to be deposited, as required by the Additional District Judge

It is therefore requested that the exact amount to be deposited in the Court may kindly be ascertained from the Advocate General and with the said amount together with the remuneration of Rs 497-12-0 to be paid to the Government Pleader and Rs 500/- payable to the Advocate General may kindly be caused to be placed at my disposal at an early date for further action being taken in the matter

The copies of the Judgment of the High Court and of the District Court received with your letter under reference are herein enclosed for reference and return

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

ksm

2130

OFFICES, 24 9 45

17-9- 1945.

Letter No MT 357/45-46 dated 12/13th Sept ,1945 from the District Judge, Bangalore Division, to the Municipal Commissioner & Land Acquisition Officer, Bangalore City

---

I have the honour to state that the Decree Holders in L A Mis 16/41-42 (V Subramanyam and A Bhujanga Rao) have filed an execution under O 21 R 11 C C P for the recovery of Rs 46,043-14-0 (as detailed in the copy of the said execution petition Fx 155/44-45) enclosed A reference was sent to you with this Office No M T 3319/44-45 dated 18-6-1945 requesting you to send the said amount to this Court for payment to the Decree Holders I request you to kindlysend the amount on or before 18-9-1945 which date the said Execution case stands adjourned

"Copy"

K Srinivasa Rao

Municipal Commissioner

ksm.

BANGALORE CITY MUNICIPALITY 2130

No LAc 26/37 38

Encl

MUNICIPAL OFFICES, 24 9 45

Bangalore 17-9-1945.

FROM

K SUBBA RAO Esq BA,
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

The Additional Judge,
District court,
Bangalore.

ADDITIONAL SECRETARY

Sir,

Sub - Payment of enhanced compensation, Court cost, interest, remuneration fees, L.A Mis., No 16/41-42 on the file of the Additional District Judge, Bangalore and in R A No 9/44-45 on the file of the High Court of Mysore, Bangalore (V Subramanyam and another joint receivers to the estate of late Hajee Ismail Sait (Lr.Yunus Sait) Vs the Land Acquisition Officer and Municipal Commissioner)

With reference to your letter No M T 557/45-46 dated 13/16-9-1945 on the above subject, I have the honour to state that the decretal amount as per High Court Orders has to be paid by the Government in this case A reference has already been made to the Additional Secretary in this connection After the receipt of sanction of Government in this matter, the money will be deposited in the Court.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- K Subba Rao
Municipal Commissioner

LAc 25/37 38 Memo

Copy with compliments to the Additional Secretary to Government in continuation of this office letter No LAc 26/37 38 dated 12/13 Sept 45.

Municipal Commissioner

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 20 XI 1945

Signed by M S Rao

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

9 copy

Section RL

File No 22-45

Serial No 22

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—1) q-o no L 1018-20/ML 17-38/23 dated 28-7-1939 Sanctioning a sum of Rs 33,500- out of the State Funds for acquiring the property of M. Goonus Sait, in the Wollen Mill Road, Bangalore city

2) q-o no L 10365-3/ML 19-39-13 ~~Order thereon Nil~~ dated 20-6-40 Sanctioning the acquisition of the property in question out of State Funds, at a cost of Rs 49,916-10-8-

3) Correspondence enclosing the letter no L-AC 25/37-38 dated 24-9-45 from the Municipal Town Bangalore city, requesting

that a Sum of Rs ~~43,406-2-0~~ 44,403-14-0 x as detailed in the margin, be placed at the disposal of the Deputy Commissioner, Bangalore District, in satisfaction of the Decree in R A No 9/44-45, on the file of the High Court of Mysore towards payment of Compensation

2) Govt Note No 21/45-46 dated 6-10-45 from the Advocate General in Mysore, on the subject

Order No L 3955-8 dated 20 XI 41

In modification of the Govt orders read above, Govt are pleased to sanction the acquisition of the property in question, out of State funds at a cost of Rs 92,320-8-8

The Comptroller is requested to place an advance of Rs 44,403-14-0, at the disposal of the Municipal Commr Bangalore city, very early, for being deposited in the Court in satisfaction of the Decree, the same being debited to "17 Miscellaneous"

x

	Rs	As	P
1) Amount due to the Decree Holder upto the date of Execution petition	43,406	2	0
2) Remuneration to Govt pleader	497	12	0
3) Remuneration to advocate General	500	0	0
Total Rs	44,403	14	0

List of Enclosures

47916-10-8
44,403-14-0
92320-8-8

Copied by

Examined by

WD 087—GPB—40 000—14 11 40

A demand for the additional grant to this Estate will be placed before the Legislative Council at its next session

for

Yours Additional Secy to Estate

To The Municipal Comr Bcity Chwaen
the President with Records,
" The Controller Chwaen Fl Secty
" Deputy Comr Bcabe Dist
" Advocate General

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

F

R L A D:-

Government Order No.L.1018-20/Al.17-38-125 dated 28th July 1939 sanctioning a sum of Rs.33,500 out of the State Funds for acquiring the property of Mr. Yoonus Sait, in the Woollen Mill Road, Bangalore City.

2.Government Order No.L.10365-3/Al.19-39-134 dated 20th June 1940 sanctioning the acquisition of the property in question out of State Funds, at a cost of Rs.47,916-10-8.

3.Correspondence ending with letter No.L.A. .25/37-38 dated 24th September 1945, from the Municipal Commissioner, Bangalore City, requesting that a sum of Rs.44,403-14-0 as detailed in the margin, be placed at his disposal for being deposited in satisfaction of the Decree in O.S. No.9/44-45, on the file of the High Court of Mysore, towards payment of compensation.

	Rs.	a.	p.
(1)Amount due to the Decree Holder up to the date of execution petition	43,406	2	0
(2)Remuneration to Government Pleader	497	2	0
(3)Remuneration to Advocate General	500	0	0
Total	44,403	14	0

4.Un-official Note No.21/45-46 dated 6th October 1945 from the Advocate General in Mysore on the subject.

ORDER No. L 3955-8 / Al-22-45-23 BANGALORE DATED 20th NOVEMBER 1945

In modification of the Government Orders read above, Government are pleased to sanction the acquisition of the property in question, out of State Funds at a cost of Rs.92,320-2-8. The Comptroller is requested to place an advance of Rs.44,403-14-0 at the disposal of the Municipal Commissioner, Bangalore City, very early, for being deposited in the Court in satisfaction of the High Court Decree, the same being debited to "17 Miscellaneous". A demand for the additional grant to this extent will be placed before the Legislative Council at its next session.

By Order and in the name of His Highness the Maharaja,

The Municipal Commissioner, Bangalore City, through the President, with records.
The Comptroller to Government, through the Financial Secretariat,
The Deputy Commissioner, Bangalore District
The Advocate General

TD/9

L.A.C.23/37-38

OFFICE OF THE MUNICIPAL COMMISSIONER

Dated Bangalore, 28th Novr. *194*5

FROM

THE MUNICIPAL COMMISSIONER

BANGALORE CITY

3951

To

The Comptroller to the Government
of Mysore, Bangalore.

Sir

Sub - Payment of enhanced compensation, Court cost, etc , in L.A.Mis.No.16/41-42 on the file of the Additional District Court and in R A.No.9/44-45 on the file of the High Court, in connection with the acquisition of the properties of Mr. Yoorus Sait.

Adverting to Government Order No.3955-8/Ml.22-45-23 dated 20th November 1945, sanctioning a sum of - Rs.44,403-14-0, for the above purpose, I have the honour to forward herewith a bill in duplicate for the said amount and to request that early arrangements may kindly be made to place the amount at my disposal for being deposited in the court.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- Safi Darashah,

Municipal Commissioner.

p t o

Municipal Commissioner

Loc 20/8/32

M e m o

1 Copy forwarded, with compliments, to Secretary to Government, Revenue Department for information.

2 Copy forwarded with compliments to the Advocate General and the Government Pleader for information.

Municipal Commissioner

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Comptroller's Office, Bangalore

No 165/A1 *Dated the* 18th January *1946*

BEN & REV 5062

The Additional Secretary
to Government of Mysore,
BANGALORE

Sir,

Adverting to G O No L 3955-8/M1 22-45-23 dated 20-11-45 sanctioning an advance of Rs 44,40c-14-0 to the Municipal Commissioner, Bangalore City Municipality in connection with t. ...isition of property of - Mr Yoonus Sait in the Woollen Mill Road Bangalore City, I have the honour to state that the amount has been paid to the Municipal Commissioner by means of a crossed cheque in this office M P No 6295 dated 9-1-46 and he has also been requested to furnish the detailed accounts to this office soon after the amount is spent Under the circumstances I request that a demand for additional grant to this extent may kindly be placed before the Legislative Council at the next session

I have the honour to be,
Sir,
Your most obedient servant,

M Shamanna
COMPTROLLER

No L A C 25/37-38 CITY MUNICIPAL OFFICES

Encl Two

Bangalore dated 15th March 1946

FROM

SAFI DARASHAH, ESQ B A
Municipal Commissioner
Bangalore City

To

J. B Mallaradhya, Esq , M A ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Sub - Payment of enhanced compensation, Court-cost etc , in L A Mis No 16/41-42 on the file of the Additional District Court and in R A No 9/44-45 on the file of the High Court in connection with acquisition of the properties of Mr Yoonus Sait

---oOo----

SIR

In forwarding a copy of letter No M T 2033/45-46 dated 4/5th March 1946 on the above subject received from the District Judge, Bangalore, I have the honour to state that an execution petition for Rs 46,043-14-0 in Ex 155/44-45 on the file of the District Court, Bangalore in original was sent to you with this office letter of even number dated 24-9-1945 A sum of Rs 43,406-2-0 was sanctioned by the Government in their order No L 3955-8/M1 22-45-23 dated 20-11-1945 against a sum of Rs 46,043-14-0 claimed by the party It is not clear as to why a sum of Rs 2637-12-0 was disallowed by the Government, but the District Judge is now requesting that the balance of Rs 2537-12-7 be sent to the Court for being paid to the claimant etc

2 It is therefore requested that arrangements may kindly be caused very early to place the said sum at my disposal for being sent to the Court Copy of the High Court judgment is herein enclosed for favour of reference and return

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

hsr/-

11242

Letter No M T 2033/45-46 dated 4/5th March 1946 from the District Judge, Bangalore District to the Municipal Commissioner, Bangalore City

--

I have the honour to acknowledge the receipt of cheque No 466914 dated 30-1-1946 for Rs 43,406-2-0 sent with you No L A C 25/37-38 dated 22-2-46 and to request that a balance of Rs 2537-12-7 may be sent to this Court for payment to the claimant in Ex 155/44-45 on the file of this Court, at an early date The duplicate challans for Rs 43,406-2-0 are sent herewith after duly signed

[redacted]

'C o p y '

Municipal Commissioner

Immediate

L 11242 W.P.C

& 16 4 46

To

The Municipal Comm

Bangalore city-

Subj -- Want of Compensation in respect of the acquisition of property of Mr. Joomus Sait, opposite to Benny Mills, Bangalore city-

Sir,

With reference to your letter No L Dis 25/37-38, dated 15-3-46 on the above subject, I am directed to state that the Advocate-General who was consulted in the matter has advised that the correct amount due to the Decree Holder upto the date of the Execution petition, viz 14-5-45 is only Rs 43,406-2-0, (Omitting fies) as detailed below. The modifications noted therein account for the difference

The Copy of the Sessions Court Judge-

ment in the matter is herewith returned.

I have the
honour to be
Sir
Your most obedient
servant

	Amount allowed by the Advocate-General Rs As P	Items reduced or disallowed by the Advocate-General.	Amount reduced Rs as p
1) Decree amount=	26,739-4-0	1) Net cost due as modified by orders of High Court—	501-2-0
2) Interest—	6357-14-0	2) Interest—	37-0-0
3) Net costs of Lower Courts as modified by the High Court—	209-11-0	3) Lawyers fees—	6-9-0
4) Interest on this amount—	15-0-0	4) Interest amount disallowed by the High Court—	2093-1-0
5) Costs awarded by the High Court—	8913-2-0	Total	Rs 2637-12-0
6) Costs—	976-15-0		
7) Execution petition—	0-12-0		
8) Lawyers' fees—	195-8-0		
Total	Rs 43,606-2-0		